

REMARKS

Claims 33-76 are pending in the application. Claims 33-76 are rejected.

The Office Action asserts that the term “point in time” is a relative phrase. In the present amendment “point in time” has been replaced with “instant”, to clarify the meaning. However it is respectfully submitted that “point in time” is related to a preceding the sending the transmit power control data and this term is described in the specification.

Claims 33-76 are rejected under 35 U.S.C. § 102(b) as being anticipated by Nakano et al. (Nakano).

Claims 33, 34, 36, 38-42, 61-62, 66 and 70-76 provide at least a distinguishing for example, claim 33 describes that the quality of the downlink signals is determined from only those signals received an instant preceding the timing of sending the transmitted power control data in a next uplink signal even if the receiving unit does not receive at least one of the plurality of downlink signals.

Applicant's claim 33 describes receiving a plurality of downlink signals and from the plurality of downlinks signals determining the quality from only those signals received prior to the point in time even if the receiving unit does not receive at least one of the plurality of downlink signals prior to sending the transmitted power control data.

Contrary to applicant's claimed invention, in column 9, lines 21-24, Nakano describes that the BER is measured for a period of time longer than a transmission power control interval. Again, in column 10, lines 20-23, Nakano only describes the periodical measurement results of a number of reception paths and fading pitch for each radio channel with regard to the reception CIR for each radio channel.

Importantly Nakano describes measuring over a prescribed period of time only in relation to the storing of the target CIR (column 7, lines 48-53). There is no indication of a measurement period with regard to the CIR measurements described in column 7, lines 26-36. Nakano only describes measuring a BER and a measuring CIR over a prescribed period of time, and according to the measurement results, the mobile station target CIR is set and/or changed in column 7, lines 43-67.

Also in contrast, Nakano only describes receiving a plurality of downlink signals with regard to multiple paths and multiple channels from one base station. Nakano describes a mobile station and a base station (column 2, lines 48-49) and controlling the transmission power of each radio channel at one of the base station and the mobile station.

However there is no description of measuring a CIR from the plurality of multiple paths or multiple channels received prior to a point in time. Whereas applicant claims receiving a plurality of downlink signals from which the determining is made even if the receiving unit does not receive at least one of the plurality of downlink signals.

It is respectfully submitted that the cited reference fails to teach each and every feature of applicant's claimed invention. For at least the foregoing reasons the rejection should be withdrawn.

In view of the remarks set forth above, this application is in condition for allowance which action is respectfully requested. However, if for any reason the Examiner should consider this application not to be in condition for allowance, the Examiner is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper may be charged to Deposit Account No. 50-1290.

Respectfully submitted,



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